

37. (Amended) A computer program product according to claim 36 wherein the predetermined percentage is 3%.

51. (Amended) A computer program product according to claim 50 wherein the predetermined percentage is 3%.

REMARKS

Claims 1-62 are pending. Claims 8, 22, 37 and 51 were amended to address the Examiner's rejection under 35 U.S.C. § 112, second paragraph. Applicants traverse the remaining rejections under 35 U.S.C. § 103 and 35 U.S.C. § 112, second paragraph, for the reasons set forth below.

Examiner Interview

Applicants wish to thank Examiner Felten for extending the courtesy of a personal interview in respect to this application on April 3, 2003 with Applicant and Applicants' undersigned representative. During the interview, the differences between the applied references in the § 103 rejection and the claimed invention, as exemplified by claim 1, were discussed in detail.

With respect to Alden, it was emphasized that sell recommendations are not based on "reach[ing] as close as possible to the desired asset allocation and the preferred domain," as required by the claims of the pending application, but rather are based solely upon whether a gain can be realized on the stock sale. Maximizing investment performance is not the purpose of the claimed invention.

With respect to Edesess, it was emphasized that the user inputs an investment goal (e.g., a target scenario and fallback scenario), and the system calculates and outputs the minimum required rate of return to achieve the goal, as well as the preferred domain for achieving the goal. No specific sell recommendations are generated. In contrast to Edesess, the present invention inputs a client's preferred domain, and then uses the client's inputted preferred domain in conjunction with the client's desired asset allocation to generate specific sell recommendations to "modif[y] the client's current asset portfolio to reach as close as possible to the desired asset allocation and the preferred domain."

In sum, neither Alden or Edesess, taken individually, nor the combination of Alden and Edesess, disclose or suggest at least steps (c) and (d) of claim 1 and the corresponding steps and elements in the remaining independent claims 15, 30 and 44.

Agreement was reached at the interview that the Examiner would withdraw the finality of the December 3, 2002 Office Action and upon formal filing of this Amendment After Final, the Examiner would perform an update search and reconsider patentability of the present invention.

Agreement was also reached that the rejection of claims 8, 22, 37 and 51 under 35 U.S.C. § 112, second paragraph, would be withdrawn if the word "about" is deleted from each of these claims pursuant to the Examiner's suggestion.

Lastly, a discussion was held regarding the rejection of claims 12, 26, 41 and 55 under 35 U.S.C. § 112, second paragraph, with respect to the Ibbotson score. This score is well-known in the art. Applicants' Information Disclosure Statement filed June 9, 1999 included an explanatory reference directed to Ibbotson. At the interview, three additional references were given to the Examiner which explains Ibbotson scores and their relationship to desired asset allocation. The Examiner agreed to reconsider the § 112 rejection in view of these references. The references are as follows (no additional copies are enclosed):

1. Lump Sum Distribution – Asset Allocation Questionnaire. Copyright 2002, Metropolitan Life Insurance Company (MetLife), NY, NY, printout from web page: <http://www.metlife.com/Applications/Corporate/WPS/CDA/PageGenerator/0,1674,P1932,00.html>, printout date: April 1, 2003, 4 pages.

2. Asset Planner for Ensemble® Variable Universal Life Insurance, Copyright 2001. Jefferson Pilot Financial Insurance Company, printout from web page: http://www.fpgonline.com/carrierjp/JP_Asset-Allocation-Guide.pdf, printout date: April 1, 2003, 14 pages.

3. Financial Planning, TechBenefits, printout from web site: http://www.techinsurance.com/techbenefits/financial_planning.asp, printout date: April 1, 2003, 14 pages.

Entry of Rule 116 Amendment

Entry of the amendment herein is requested because such amendment, in combination with the remarks, render moot the outstanding rejections under 35 U.S.C. § 103 and § 112. Also,

the Examiner agreed at the personal interview to allow entry of the amendment. The amendment does not raise any new issues that would require further consideration and/or search, since all of the limitations in the pending claims were previously presented, considered and presumably searched. No new matter is raised by this amendment. The amendment could not have been presented earlier because the § 112 rejection of claims 8, 22, 37 and 51 was newly presented in the Final Rejection. Lastly, it is requested that the amendment be entered even if all of the objections are not satisfied because the proposed amendment will place the application in better form for appeal by materially simplifying the issues.

Conclusion

Insofar as the Examiner's rejections were fully addressed, the instant application is in condition for allowance. Entry of the Rule 116 Amendment, withdrawal of the Final Rejection, and issuance of a Notice of Allowability of all pending claims is therefore earnestly solicited.

Respectfully submitted,

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Marked-up Version of Claims

8. (Amended) A process according to claim 7 wherein the predetermined percentage is [about] 3%.

22. (Amended) A process according to claim 21 wherein the predetermined percentage is [about] 3%.

37. (Amended) A computer program product according to claim 36 wherein the predetermined percentage is [about] 3%.

51. (Amended) A computer program product according to claim 50 wherein the predetermined percentage is [about] 3%.

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